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Atari Online News, Etc.
A-ONE Online Magazine
Dana P. Jacobson, Publisher/Managing Editor
Joseph Mirando, Managing Editor
Rob Mahlert, Associate Editor

Atari Online News, Etc. Staff

Dana P. Jacobson -- Editor
Joe Mirando -- "People Are Talking"
Michael Burkley -- "Unabashed Atariophile"
Albert Dayes -- "CC: Classic Chips"
Rob Mahlert -- Web site
Thomas J. Andrews -- "Keeper of the Flame"

With Contributions by:

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->From the Editor's Keyboard              "Saying it like it is!"
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Well, we've finally seen a few days of warmer temperatures, and the snow
has been melting, finally. While those days didn't stick around for too
long, one gets a small sense of hope that Spring is nearing. Let's hope!

I don't have a lot to talk about this week. It's been a long one, and the
"new" job has really been doing a job on the body! Five to seven hours on
your feet can really tire you out if you're not in great shape to begin
with! This has been one of those weeks,

I was going to talk a little more about the country's state of affairs,
such as the economy, but that appears to be a hopeless can of worms at the
present time. It's apparent that petty politics cannot be put aside for
the benefit of this country's citizens. What a shame.

Until next time...


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                        PEOPLE ARE TALKING
                      compiled by Joe Mirando
                        joe@atarinews.org
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Heidi ho friends and neighbors. Another week has come and gone, and I
think we've got enough messages in the NewsGroup to put together a
column.

I'm going to keep my commentary short this week, but I do want to
mention an email I got about last week's column.

Last week I mentioned an economist at Princeton named Paul Krugman and
made some comments of my own about the President's stimulus plan not
being far-ranging enough.

The email asked if I was aware that, just a few days after last week's
column appeared, Mr. Krugman was saying basically the same thing that I
had said.

Actually, I was aware of it. It's not like Paul Krugman is trolling the pages of A-ONE looking for opinions on the economy that he could appropriate and call his own.

The fact is that Mr. Krugman has been banging this particular drum for a lot longer than I have and, if it seems that my opinions and his coincide it's only because I've thought a lot about his opinions and theories and appropriated HIS ideas. I mean, heck, it just makes sense. And as arrogant as I am, I'm not ready to put my mind against someone with the obvious brain power of Paul Krugman.

And I stand by my opinion that this stimulus bill needs to be bigger than it is. If you really want to stimulate the economy, don't give rebates to people who can already afford to have zero-balance credit cards and whose biggest worry is which off-shore account to put their stimulus check in so they won't have to worry about paying taxes on the interest.

Give it to the single mother who's been scraping and scrimping to replace her clothes washer. Give it to the guy who's wondering if he's going to be able to make next month's mortgage payment.

The gritty truth is that rich people aren't going to pull us out of this. Rich people are already able to spend whatever they want to spend regardless of the economy. That's part of the definition of being rich.

Let the people who drive our economy catch their collective breath and catch up on their bills. Let them feel better about themselves and their jobs and their chances of staying afloat. Before long, they'll be buying the little things that drive the economy and the old, rich, white guys will end up doing better too.

If I had the President's ear, I'd probably say something about pushing more for public works and schools and local tax relief. Make it better from the ground up, not from the top down. You don't start building a house from the roof, you start from the foundation.

And if there's anything we need right now, it's a foundation.

Well, that's enough of that. Let's get to the news, hints, tips and info from the UseNet.

From the comp.sys.atari.st NewsGroup
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Last week we discussed ways of replacing the battery in the NVRAM chip of the Falcon. This week, 'Wong CK' adds:

"There a short writeup on my webpage http://phsw.atari.org that replaces the NVRAM battery by just 1 pin cut and some soldering. Not elegant but it works. Running like that for over 6 months now."

'Phantom' replies:

"Very Good. Thanks to all for the info."

I'm sure we'll be hearing more about this in the coming weeks, so even

though it's a short thread, I've included it.

Meanwhile, in response to a question about how many Atari users are left, our buddy TJ Andrews replies:

"I still have my Mega STE set up but it's been many months since I used it. I used to use it for text email and Usenet when I was on dial-up, but now that I have broadband I'd need ethernet connectivity. My provider doesn't have dial-up backup, and I can't justify the expense of another service just for nostalgia - particularly during these economic times.

I also have a complete 320K 130XE system that worked just great the last time I dug that out - probably six months ago. Those old 5-inch floppies have a surprising lifespan, and those old games have a charm missing from today's efforts.

I've moved on to Linux almost exclusively these days. I have a couple of apps for Windows that I still use, but that's almost as rare as using my Atari anymore."

Another old buddy, Ronald Hall, tells TJ:

"Get an EtherNEC - then you can still hook up to your LAN, and do e-mail, newsgroups, etc...

...I re-read the part [about older games having a charm that's missing from today's], and boy do I agree! The older games do have something special about them.

Don't get me wrong, I'm as big a fan of the latest/newest visual/audio overload game release as anyone...(and play Guild Wars to death),but... Dungeon Master, Bards Tale, Ultima 3/4/5, and so many more.... Oh my."

Zoe Stephenson adds:

"I was online from my Falcon [over] the weekend, chatting on IRC. I think I need to do the NVRAM battery thing though. For me, it's a matter of time and utility - I do like getting things running but unless I have something that I need to use a particular computer for I tend to go with the convenience of my laptop."

Another long-timer, Edward Baiz, adds:

"Not sure [how many of us there still are around], but I am still in the game. I use my Falcon for a number of things (DTP, home finance, web browsing, etc). A number of my Atari buddies have moved on to the PC. There are still users out there who we probably do not know about and many that we do. There also dealers we can rely on to get software and fix our hardware. Hey, I know the interest is still out there. I cannot count the number of times I have lost Atari items on Ebay."

Ronald tells Edward:

"Exactly - just go to ebay and search on Atari st - if the return looks low, then change the parameter from auctions to buy it now - Atari ST

returned 381 hits just now."

AtariNut asks a very good question about joysticks:

"Are Atari 2600 joysticks compatible with the Falcon? I have a jagpad
for the Falcon's enhanced game ports, but I need a couple of joysticks
for the regular game ports....not all games utilize the jagpad."

Matthias Arndt tells AtariNut:

"2600er ones should work. Avoid the 7800 Proline controllers as they
seem to be incompatible with the IKBD of the ST/TT/Falcon.

Best is, of course, a good old Competition Pro 5000!"

AtariNut replies:

"The problem, of course, is trying to find a couple of them. I don't
think they're made anymore are they?"

Ben Smith of Bravo Sierra Computers adds:

"Atari JoySticks are standard! They even worked on Non-Ataris! They
should work fine on the Falcon! Also, if you have a FlashBack 2, the
JoySticks work just like the Atari 2600 JoySticks!"

Phil Corda asks for help with his 'new' MegaST:

"I have a new (to me) Mega4, which came with an SH205 hard drive. I
also have my previous STe.

When I plug the sh205 into the Mega, and reboot, it does not see it. It
works fine with the STe without any configuration and seems to find a
driver on the hard drive.

So, do I need a special driver for the Mega? It seems odd that it does
not see the drive.

I'd like to use the Mega as it has more memory. Unfortunately, the
floppy is dead too. So, can I swap the STe floppy for the Mega one?
Also, can I take the memory from the Mega and put it in the STe? Any
pointers appreciated."

Thorsten Gˆ…nther has some questions and tips to narrow the problem down:

"What does "seems to find" mean precisely? Does it boot and can you
access it as drive C: (perhaps after creating a desktop icon for it
manually)?

If not, you might try running AHDI 6.061 from your disk drive (after
replacing it) and see if the drive is accessible afterwards. You also
may want to mark bad sectors with HDX - as used ST506 MFM drives that
have not been parked prior to moving will most likely have a number of
bad sectors. And you may also want a program to park the drive yourself

so you can move it.

I bundled AHDI with some other free hard drive tools (esp. the last version of HDX, as at least one prior version I tried was unable to format and partition the SH205) at <http://www.dilgar.de/ahdi6061.zip>.

With HINSTALL you can then make the drive bootable. This should also work with the Mega ST, as the drive is a small one and even a single 20 meg partition is far less than the maximum of 256 megs for a TOS 1.02 compatible partition.

They all use the same software. Yet, TOS 1.02 has some bugs that were fixed with 1.04. I'd recommend this TOS as the lowest recommendable version for hard drive use.

Any STe has four 30-pin SIMM sockets and can easily be upgraded to 4 megs.

As far as swapping floppy drives, yes, if the bezel fits. No, if not.

The memory of the Mega ST consists of RAM chips soldered to the mainboard (or perhaps socketed), while the STe requires 30-pin SIMMs. You can take the SIMMs of any old (e.g. a 80486 one) PC though if they are 1 meg max. each - those should be some cents at eBay. Just be sure that you have four of them or - if you can only find two - use the first and third SIMM socket and leave the other two empty (there is a small patch that allows to access 2.5 megs with 2 1 meg and 2 256 K SIMMs, but I don't even consider this worth the hassle).

Except for the keyboard (the STe keyboards are from Mitsumi, the Mega ST keyboards from Cherry) and the lack of a battery-powered clock, I consider the STe the much nicer machine, sadly the enhancements like the PCM stereo sound, the hardware scrolling and the additional joypad ports (compatible with the Jaguar) etc. were used by only a few dozen commercial games because Atari did not discontinue the STfm models when they introduced the STe, so that many buyers bought the "cheaper" machine, but some of these (like Obsession Pinball) really show that this computer is much better than it's predecessors."

Phil tells Thorsten:

"It comes up with four partitions on the desktop automatically and an icon for a RAM disk, which does not seem to do anything.

I think the hard drive may well be a little ill. It is however working on the Mega now after turning them on in the right order!

It's been partitioned into 4 drives (C,D,E,F) and when I click on C it says 'Data on disk in drive C may be damaged. You must use the right kind of floppy disk and connect your hard drive properly.' (CANCEL/RETRY).

If I click cancel then I do get a folder window, and can start programs. Some will not work though, and writing anything to the disk causes the 'may be damaged' error message too.

On Boot, the screen says something like:
     AHDI 4.02
     Gdos 1.1

I think the drive is 20MB. I think I will reformat it into two
partitions, as it's acting a little funny.

So... the HDX utility is for formatting and checking bad blocks, then
you run HINSTALL to make it bootable. Anything else I need to know?

I am going to use this machine for Cubase and a Zcode interpreter, so
the Mega should be fine. (20MB is a lot of space for midi files!)
The clock, more ram and nicer keyboard should be handy for this.

I also found my extra midi port, that plugs into the modem socket.
Lost the drivers for it though. I believe it's a 'plus16', and may work
with the plus48 or pls48 drivers in Cubase. There are no markings on it.
It's been a long time since I used it last!

Thorsten replies:

"[Other things you may need to know:]

The "40 folder problem" springs to mind. Put the FOLDRXXX.PRG into the
AUTO folder of drive C: after renaming it to e.g. "FOLDR100.PRG" - this
is especially necessary for your Mega ST!

SHIPACC.PRG allows you to park your hard drive - runs as both ACC and
PRG.

AHDICONF is of some use if you want to tweak AHDI a little.

CHKDISK3 is a powerful tool for hard drive sector editing,
defragmentation, etc. but the dark side is strong within this one, i.e.
you can easily delete data with the more advanced functions of this
program."

Well folks, that's it for this time around. Tune in again next time,
same time, same station, and be ready to listen to what they are saying
when...

PEOPLE ARE TALKING

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->In This Week's Gaming Section - Midway Files for Bankruptcy!
   """"""""""""""""""""""""""""""   Pull Wii Games Off the Shelf!
                                     Videogames Good for Children!

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->A-ONE's Game Console Industry News - The Latest Gaming News!

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Midway Games Files for Bankruptcy Protection

Midway Games Inc., best known for its "Mortal Kombat" video games, said
Thursday that it filed for Chapter 11 bankruptcy protection.

Midway said the filing stemmed from a change in ownership in late 2008
that led to accelerated buyback requirements related to two classes of
debt that the company did not think it could fulfill.

In December, media mogul Sumner Redstone sold his majority stake in
Midway - an interest of about 87.2 percent - to a company led by private
investor Mark Thomas.

In a statement, Midway Chief Executive and President Matt Booty called
the bankruptcy filing a "difficult but necessary decision."

"We have been focused on realigning our operations and improving our
execution, and this filing will relieve the immediate pressure from our
creditors and provide us time for an orderly exploration of our
strategic alternatives," he said.

Midway said that it and its U.S. subsidiaries filed voluntary petitions
in U.S. Bankruptcy Court for the District of Delaware.

Midway said the filing does not include its operations outside the U.S.,
and that they will continue to operate as normal.

The company is seeking several first-day motions so it can continue to
operate normally.

Pull Wii Games Off Shelves, Says Radio Pundit

Michael Torchia wants Nintendo to yank Wii games from store shelves
until the company makes "important changes" to its products, according
to News Blaze. Torchia claims the games, which occasionally require
wide-ranging physical motion, are "potentially dangerous."

Err...Michael who-huh?

You know. Michael "that radio talk show guy" Torchia. Operation Fitness?
Motivational speaker? Children's Fitness Academy? Clientele like Matt
Damon, Al Pacino, and Kevin Spacey?

Not ringing any bells?

I'd never heard of him either, but apparently he's taken it upon himself
to warn us of the Wii's flaws and foibles. Nintendo can only remedy
this, says Torchia, by slapping warning stickers on products, adding
that "through slick advertising campaigns and product placements on
popular television shows, children and adults are being brainwashed that
Wii games are safe and effective ways to become physically fit."

"On the contrary, Nintendo is contributing to the epidemic of obesity. Young and old are putting away their gym clothes and shying away from going outdoors to play sports, because the addictive appeal to the Wii game products. Just as the tobacco companies created such a false image of their products and hid the potential dangers, so is Nintendo," says Torchia.

Let's see...so following Torchia's metaphor, Nintendo is like the tobacco companies, and the Wii is like cigarettes. Mm-hmm.

Torchia claims that "up to ten people a week are being hospitalized with injuries caused by playing Nintendo Wii games." I'm not sure where that's been scientifically documented, but the news appears to have sprung from Rupert Murdoch's The Sun, a tabloid daily published in the UK and Ireland known for its splashy, controversial headlines.

So...improper form while exercising can lead to injury. Who knew?

Just yesterday, I went running along a footpath covered in ice from all the recent snow here, which threw off my strides, in turn causing pain in my knees.

Whose fault's that? New Balance's? Because I was wearing their running shoes? Shoes without a catch-all "you might injure yourself if you run like a dope" safety warning?

Should Nintendo really pull its Wii games off shelves because players aren't adhering to the safety guidelines Nintendo already publishes?

And do we really need another class action lawsuit, like the one Torchia's reportedly preparing?

Videogames Seen Good for Children

Videogames can be good for children, encouraging creativity and cooperation, a European Union report concluded Wednesday which ran counter to the violent reputation of some titles.

In conclusions that may either surprise or reassure parents of game addicts, the study by the European Parliament Committee on the Internal Market and Consumer Protection found a number of benefits and no definitive link to violent behavior.

"Videogames are in most cases not dangerous and can even contribute to the development of important skills," said Toine Manders, the Dutch liberal lawmaker who drafted the report.

"(They stimulate) learning of facts and skills such as strategic reflection, creativity, cooperation and a sense of innovation," a news release on the report said.

The report avoided any call for EU-wide legislation banning certain games, and instead urged the bloc's 27 member states to work together in strengthening an existing voluntary code in Europe known as "PEGI" which rates games according to content.

Total revenues from the video gaming sector amounted to more than seven

billion euros ($9 billion) last year, the report said. In Britain, separate research last year showed videogames outselling music and other video products for the first time.

The EU report noted that not all games are appropriate for children, but argued that some books and movies are targeted for an older audience. It acknowledged that violence in some games could "stimulate" violent behavior in specific situations.

The report stressed parental involvement by proposing development of a "red button" that could allow parents to control content and how long games are played. It did not elaborate as to what form this button would take.

It further challenged received wisdom that such games were chiefly for children, quoting statistics that showed the average age of the European gamer was 33.

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Obama Orders US Cybersecurity Review

President Barack Obama announced a sweeping review of US cybersecurity to protect the government's information technology systems from security and economic threats.

The 60-day review is to be overseen by Melissa Hathaway, a former official in George W. Bush's presidency who coordinated cyber monitoring for the director of national intelligence, according to a White House statement.

During the election campaign, Obama had equated cyber risks to the threat of nuclear or biological attack and promised a high-level review if he became president.

"The national security and economic health of the United States depend on the security, stability, and integrity of our nation's cyberspace, both in the public and private sectors," said Obama's assistant for counterterrorism and homeland security John Brennan.

"The president is confident that we can protect our nation's critical cyber infrastructure while at the same time adhering to the rule of law and safeguarding privacy rights and civil liberties," he said in the statement.

The Bush administration was accused of trampling on civil liberties through intrusive monitoring of both telephone and computer traffic.

But the threat of cyber attacks on official US systems has been laid

bare in recent years with a spate of hacking incidents, including several blamed on China.

A congressional panel warned in November that China had developed a sophisticated cyber warfare program and stepped up its capacity to penetrate US computer networks to extract sensitive information.

And a December report by the Commission on Cybersecurity for the 44th Presidency told the new leader that cybersecurity was "among the most serious economic and national security challenges we will face in the 21st century."

U.S. Tweaks Internet Privacy Guidelines

Federal regulators tweaked recommendations for how websites should collect, save and share information about users, extending them to Internet service providers and mobile users.

The Federal Trade Commission issued new guidance on Thursday for the self-regulated industry that urges websites to tell consumers that data is being collected during their searches and to allow them to opt out.

This guidance recommends that mobile companies and Internet service providers also inform customers about data collection and allow users to decline.

"You may have a contract with your ISP and everywhere you go, they can be collecting information on you," said Jessica Rich, the FTC's assistant director in the division of privacy and identity protection.

There are few U.S. laws about the collection and use of data from the Internet, with exceptions of instances where firms fail to live up to advertised promises to protect privacy, or fail to deliver an expected level of data protection.

One of the four commissioners who approved the report, Jon Leibowitz, warned that the industry's failure to safeguard the public's privacy could lead to a tougher federal position.

"Industry needs to do a better job of meaningful, rigorous self-regulation or it will certainly invite legislation by Congress and a more regulatory approach by our commission," he wrote.

Virulent Worm Exploits Missing Patches

Think massive worm outbreaks are obsolete? Then say hello to the Conficker worm, aka Downadup. In January it slithered onto millions of computers unprotected by a critical patch that Microsoft had issued back in October.

The patch fixed a hole in the Windows Server service, most desktop and server versions of Windows use. Without it, a PC is vulnerable to attack by infected PCs across a network. A firewall can block external attacks of this sort, but business network firewalls generally offer little

protection against threats from within the network. And businesses can be slow to patch company computers.

First double-check that you have the October patch noted above (available for Windows 2000, XP, Vista, Server 2003, and Server 2008) on both your home and work PCs, by running Windows Update. And be aware that a thumb drive or laptop you bring home from work can spread Conficker as well.

You also need to close a similar, newly discovered hole that exists in the Microsoft Server Message Block (SMB) protocol for file and printer sharing, which is critical for Windows 2000, XP, and Server 2003, and moderately important for Vista and Server 2008. Like the hole that the Conficker worm exploits, the SMB flaw lets an attacker launch a remote assault on a vulnerable computer and take complete control if successful. Again, a firewall can lower the risk, but be sure to get the patch via Windows Update or from Microsoft's site (Security Bulletin MS09-001).

Meanwhile, Apple has released QuickTime 7.6 to close seven serious flaws involving hacked movie files (including .avi and .mpeg types) and streaming video sites whose URLs open with rtsp://. Playing a tainted file or streaming video could relinquish control of your system to an attacker. You'll need the update if you run QuickTime on Mac OS X, Windows XP, or Windows Vista; nab it and more info from an Apple support page.

If you've installed the optional QuickTime MPEG-2 Playback Component under Windows XP or Vista, you'll need another high-priority Apple fix. Head to another Apple support page to determine whether you have the QuickTime extra and, if so, which version it is. If it's prior to version 7.60.92.0, get the free update to protect against malicious movie files.

Finally, if you're a Firefox 2 hold-out, be aware that the old browser's built-in antiphishing protection is now kaput. Firefox 2 version 2.0.0.19 or later will show it as disabled, and even though it may still appear to be enabled if you're using an older version, Google has cut off the data feed that told it which sites to block. Your best bet-by far-is to upgrade to Firefox 3, which supports active antiphishing and delivers nifty features like the so-called 'Awesome Bar'.

Microsoft Puts $250,000 Bounty on Conficker Worm

Microsoft is trying to put some pressure on the criminals responsible for the worst Internet worm outbreak in years, offering a $250,000 reward for information leading to the arrest and conviction of Conficker's creators.

The software vendor said it was also working with security researchers, domain name registrars and the Internet Corporation for Assigned Names and Numbers (ICANN) to try to take down the servers that have been launching the Conficker attacks. ICANN is the nonprofit corporation that oversees Internet addresses.

"The best way to defeat potential botnets like Conficker/Downadup is by the security and domain name system communities working together," said Greg Rattray, ICANN chief Internet security adviser, in a statement released Thursday. "ICANN represents a community that's all about

coordinating those kinds of efforts to keep the Internet globally secure and stable."

Conficker, also known as the Downadup worm, takes advantage of a critical bug in Microsoft's Windows operating system, which was patched last October. Since late December the worm has emerged as one of the worst computer threats in years, infecting more than 10 million computer systems worldwide, including PCs within the British and French militaries.

If Conficker's author lives in a part of the world that's known to be soft on cybercrime - Russia, the Ukraine or Romania, for example - it may be hard to get a conviction, said the editor of the Hostexploit.com cybercrime research site, who goes by the pseudonym Jart Armin.

On the other hand, the $250,000 reward may be an incentive to hackers who may know who's responsible. Typically, hackers get paid about $10,000 by organized crime groups for writing an attack that reliably works on a significant number of computers, Armin said.

This isn't the first time Microsoft has offered such a bounty. In 2005, it paid $250,000 to two people for identifying Sven Jaschan, the teenager who wrote the Sasser worm.

Social Websites Sign EU Pact vs. "Cyber-Bullying"

Seventeen social networking sites in Europe including Facebook and MySpace signed on Tuesday a pact aimed at curbing "cyber-bullying" and protecting the privacy of underage users, the European Commission said.

The Commission, the 27-nation EU's executive arm, said the agreement will cut the risks of children harassing peers online and curb "grooming" - the practice of adults befriending children online with the intention of committing sexual abuse.

"It is an important step forward toward making our children's clicks on social networking sites safer in Europe," Viviane Reding, EU Commissioner for Information Society and Media said in a statement.

The use of social networks has grown over the past year by 35 percent in Europe and is expected to more than double to 107.4 million users by 2012, the Commission said, warning that this would expose more children to risks online

MySpace owned by News Corp. last week revealed to a U.S. investigative task force that it had barred some 90,000 registered sex offenders from using the site over the last two years.

The Commission said the voluntary agreement was hoped to:

* Ensure that private profiles of users under the age of 18 are not searchable on the websites or search engines.

* Provide an easy to use and accessible "report abuse" software button, allowing users to report inappropriate contact from or conduct by another user with one click.

* Make sure that the full online profiles and contact lists of website

users who are registered as under-18s are set to "private" by default, making it harder for people with bad intentions to get in touch with young people.

The British Home Office took similar steps to improve online safety last April, while 49 State Attorneys General in the United Sates have signed similar separate agreements with Myspace and Facebook.

The other sites that signed the EU agreement include: Arto, Bebo, Dailymotion, Giovani.it, Google/YouTube, Hyves, Netlog, Nasza-klaza.pl, One.lt, Skyrock, StudiVZ, Sulake/Habbo Hotel, Yahoo!Europe, and Zap.lu.

Psystar Can Claim Apple 'Copyright Misuse'

A federal judge is letting Mac clone maker Psystar amend its legal defense against Apple.

Psystar was delivered a blow in November, when Judge William Alsup of the U.S. District Court in Northern California dismissed Psystar's antitrust claims against the Cupertino, Calif.-based Mac maker. The antitrust suit was a response to a copyright and trademark infringement suit Apple filed in July against Psystar, whose OpenComputers are designed to run the Mac OS X operating system.

In its amended complaint, Psystar accuses Apple of copyright misuse, as well as unfair competition violations based on its alleged copyright misuse.

Judge Alsup, in citing a previous case - Practice Management Information Corp v. American Medical Association - notes in his order:

Copyright misuse does not invalidate a copyright, but precludes its enforcement during the period of misuse." Practice Management, 121 F.3d at 520 n.9. Moreover, "a defendant in a copyright infringement suit need not prove an antitrust violation to prevail on a copyright misuse defense." Id. at 521.

While Judge Alsup found in Psystar's favor by allowing the company to continue its counterclaim with a misuse-of-copyright argument, he denied its motion to amend its claim that Apple's copyright-oriented conduct threatens or harms competition.

Psystar argues that the alleged misuse is, "at the least, unfair in that Apple has attempted (and continues to attempt) to extend the reach of its copyrights by tying them to computer hardware not otherwise protected by the Copyright Act." (Reply at 12). It fails to explain, however, how this conduct constitutes harm to competition or a violation of the spirit of the antitrust laws.

In the context of single-firm conduct, tying requires monopolization. Psystar has identified none--other than the limited monopolies inherent in the copyrights themselves.

According to a report in Computerworld, a trial for the case is set to begin on November 9.

German Mac Clone Maker PearC Challenges Apple

"Der PC mit Mac OS X" ("The PC with Mac OS X"). That's the advertising slogan for Apple's latest legal headache: A German computer manufacturer called PearC that is now marketing a Mac clone.

PearC is selling three different configurations: A dual-core processor with up to 750GB of hard-drive space and either a GeForce 7200GS or a GeForce 8400GS, for EU499 (US$649.23); a Core 2 Quad processor, Blu-ray burner, and a GeForce 8400GS, 9800GT or 9800GTX, for EU799 (US$1,039.55); and a Core i7 processor, 1TB of storage, and up to 12GB of RAM, for EU1,499 (US$1,950.30).

Apple and its attorneys have traditionally taken a dim view of Mac clones, preferring instead to maintain tight control over the Mac operating system and the hardware on which it is installed. Not surprisingly, there is widespread anticipation that PearC will receive a "cease and desist" from Apple in the near future.

Also not surprisingly, PearC has addressed that possibility in a FAQ on its Web site. Question No. 7 asks, "Is it legal to install Mac OS X on a PC?" The answer, PearC says, is yes.

"The German legislation is in this case on the side of the final consumers. Final user license agreement become in Germany the part of contract only if they were agreed upon before the purchase of the software. We are convinced of the fact from there that our product is legal in Germany."

Although the details are a little fuzzy, the gist of the argument seems to be that Germany and the European Union handle antitrust and end-user license agreement issues differently than the United States.

The real question, said analyst Michael Gartenberg, is whether anyone would want to buy a Mac OS-equipped PC.

"The high-end enthusiasts already have plenty of unsupported hacks for getting OS X working on non-Apple hardware," Gartenberg pointed out. "The mainstream consumer is going to be hard-pressed to make a purchase that would not have Apple support and that would likely break as Apple updates OS X over time."

At least two other companies, Florida-based Psystar, and Argentina-based Open Tech, are challenging Apple's infamously tight control over hardware and software. Open Tech has been somewhat less aggressive in its challenge to Apple, simply offering PCs that can run Apple software without preinstalling the OS.

Psystar, in contrast, has been engaged in a full-blown legal battle with Apple over whether the Cupertino company has violated U.S. copyright and antitrust laws by limiting installation of Mac OS X to Apple-branded hardware. A recent U.S. District Court ruling gave Psystar the opportunity to pursue its antitrust claims.

"I doubt we'll see increases in the clone space," Gartenberg said, "unless Apple decides to broadly license and support OS X to other vendors, which is not a likely scenario."

Mozilla To Weigh In on EU's Microsoft Case

Mozilla has been granted a seat at the table in the European Commission's antitrust case against Microsoft, an EC source said Tuesday.

Mozilla requested and was granted "third-party status," which entitles the organization behind the popular Firefox browser to receive access to confidential documents in the case and the ability to voice objections, the source said.

The Commission, which is the European Union's executive arm, in mid-January formally put Microsoft on notice, objecting to the bundling of the Internet Explorer browser with the Windows operating system.

The Commission's decision, which initially stemmed from a complaint filed by rival browser maker Opera, gives Microsoft two months to respond to the allegations, as well as opening the case up to third-party involvement.

Mozilla was not immediately available to comment, but its chair commented on the case in her blog on Friday.

Mitchell Baker, Mozilla's chair, wrote that she agrees with the Commission's allegations that tying IE to the Windows OS harms competition for Web browsers and reduces consumer choice. She also noted:

There are separate questions of whether there is a good remedy, and what that remedy might be. But questions regarding an appropriate remedy do not change the essential fact. Microsoft's business practices have fundamentally diminished (in fact, came very close to eliminating) competition, choice and innovation in how people access the Internet.

One potential remedy that the European Commission is considering: a requirement that Microsoft include rival browsers with its operating system.

Baker further notes in her blog:

I'll be paying close attention to the EC's activities, both personally and on behalf of Mozilla. Mozilla has enormous expertise in this area. It's an extremely complex area, involving browsers, user experience, the OEM and other distribution channels, and the foundations for ongoing innovation. An effective remedy would be a watershed event; a poorly constructed remedy could cause unfortunate damage.

I'd like to offer Mozilla's expertise as a resource to the EC as it considers what an effective remedy would entail. I'll be reaching out to people I know with particular history, expertise and ideas regarding these topics. If you've got specific ideas or concerns please feel free to contact me. I'll post more as the discussion develops.

Baker's blog didn't specify her views on bundling Firefox with IE. However, Firefox architect Mike Connor told PCPro that he would consider bundling a mistake. "My personal view is that it's not the right outcome," he told PC Pro. "The choice (when installing Windows) would be weird. There's no good (user interface) for that."

Connor noted that this is his personal opinion and that Mozilla is still determining its position on the issue, according to PCPro.

Woman Sues Microsoft Over XP Downgrade Charge

A woman has filed a class-action lawsuit against Microsoft over a US$59.25 charge for downgrading her Windows Vista PC to XP.

In a suit filed in the U.S. District Court for the Western District of Washington in Seattle, Los Angeles resident Emma Alvarado is asking that Microsoft return the fee she paid for downgrading a Lenovo PC with the Windows Vista Business OS preinstalled to Windows XP Professional. Alvarado purchased the PC on June 20, 2008, according to the suit.

Alvarado also is inviting others who have paid fees to downgrade to XP to join the suit (PDF) and is requesting refunds for them as well.

Many customers who purchased PCs with Vista installed opted to downgrade to XP because they weren't happy with Vista's "numerous problems," according to Alvarado's suit.

"As a result, many consumers would prefer to purchase a new computer preinstalled with the Windows XP operating system or at least not preinstalled with the Vista operating system," according to the filing.

The suit goes on to accuse Microsoft of using its "market power to take advantage of consumer demand for the Windows XP operating system" by requiring people to buy Vista PCs and then charging them to downgrade to the OS they really want.

This action violates Washington state's Unfair Business Practices Act and the Consumer Protection Act, according to the suit.

Microsoft spokesman David Bowermaster said the company has not been served with the lawsuit, so it would be premature to comment about it.

When Microsoft released Vista to consumers on Jan. 30, 2007, it gave people the option to downgrade to XP if they weren't satisfied with the new OS.

As a result of overall dissatisfaction with Vista, Microsoft had to extend the amount of time it allowed original equipment manufacturers and custom system builders to sell PCs with XP preinstalled. The company also is facing a class-action suit in the same court over the "Windows Vista Capable" sticker program that let customers know a PC could run Windows Vista. Customers said they found the program misleading.

While the damages that could be awarded in the suit would likely not be a large sum for a multibillion-dollar company, the suit brings up a larger question of whether Microsoft will allow Windows 7 users to downgrade to XP.

Microsoft so far has not said publicly whether it will, and no one from the company was available for immediate comment Friday. Vista, being the OS released before Windows 7, would be the logical choice for a downgrade from Windows 7. However, given customers' dissatisfaction with Vista, Microsoft could offer an XP downgrade as well.

Al Gillen, an analyst with research firm IDC, said it would be a "very risky thing" for Microsoft to do to eliminate downgrade rights with Windows 7. He said it would alienate Microsoft's customer base to not continue giving customers an option if they're not happy with a new version of the Windows client.

Dell Expands US Electronics Recycling Program

Computer maker Dell on Wednesday expanded its US electronics recycling network to more states and began an online gadget trade-in program.

People can bring used computers and other electronics to Goodwill stores in 18 states, where items in decent shape are resold and devices in need of repair are either refurbished or broken down to salvage as scrap.

Goodwill trains people with disabilities or other disadvantages to test, refurbish or strip down devices.

Items not resold in Goodwill stores are broken into parts to be recycled by Dell partners at locations worldwide, according to Mike Watson, head of the firm's worldwide recycling program.

The partnership with Dell creates jobs while diverting electronic waste from landfills, according to Susanne Fredericks of Goodwill.

"Our mission is to create jobs for the people we serve," Fredericks said. "One of our big focuses is environmental. We want to handle donations in an environmentally sensitive manner."

More than 50 million pounds of electronic equipment have been recycled through Goodwill since the partnership with Dell started in Texas, according to Fredericks.

Also Wednesday, an online Dell Exchange tool is going live, letting people easily calculate trade-in value of used electronics, regardless of the brand, and ship them to redeem Dell gift cards.

"This is something our customers are asking for," Watson said. "It makes sense. It's the right thing to do and we are committed to the full life cycle of our products."

Draft Legislation Would Give Money to E-waste Research

Disposal of electronic waste is a growing crisis, and the U.S. Congress should pump money into electronic waste research, said Representative Bart Gordon, chairman of the House Science and Technology Committee.

Draft legislation, discussed during a committee hearing on Wednesday, would include grant money for universities to conduct research on improving sorting and "de-manufacturing" technologies, on new uses for e-waste materials, new electronics designs that would make recycling easier and greener alternatives to hazardous materials.

The draft bill would also include grants to colleges for creating green design curriculum and for creating e-waste internships, as well as worker training on green design, product re-use and recycling through community colleges. This version of the draft bill does not give budget numbers for the grant programs.

Gordon, a Tennessee Democrat, called the draft bill a first step toward dealing with a "growing crisis" of discarded electronics winding up in landfills or shipped overseas to be dismantled using crude methods.

"Only a small percentage of these products make it to e-waste recyclers," he said Wednesday. "Most of us put our old electronics out on the curb or store them in a closet or desk drawer. Perhaps the most egregious practice is the export of e-waste to workers in the developing world. There, the valuable commodities are stripped from the products and processed using primitive methods. These practices endanger people's health and pollute the areas where they live."

Witnesses at the hearing called for more e-waste research. Municipal recycling programs and e-waste recyclers should be able to track and sort discarded electronics using RFID tags, just as RFID tags are used to track new electronics, said Valerie Thomas, an industrial and systems engineering professor at the Georgia Institute of Technology.

The electronics supply chain is not designed for recycling, she said. "The supply chain for making and selling electronics is a model of efficiency, managed with electronic data interchange, electronic manifests, radio-frequency tags on pallets and cartons, and UPC codes on every single package," she said. "In stark contrast, the end-of-life supply chain is managed almost entirely by hand, with little record-keeping or even potential for monitoring or oversight. That the result has included unsafe, polluting, and illegal activities ... should not be a surprise."

RFID (radio frequency identification) tags to help sort discarded electronics would be a huge help to recyclers, said Willie Cade, CEO of PC Rebuilders and Recyclers, based in Chicago. Cade's company, in trying to catalog discarded electronics, has found about 3,000 model numbers from about 425 manufacturing brands during the past year, he said.

In addition to the products coming in to be recycled, many people hang on to old computers because they don't know how to wipe the data on them, Cade added. The average age of products turned into his company is more than 10 years, he said.

"While we may want to design better products that are going to be coming down the road later, we have a large backload ... of equipment that we're going to need to deal with for many years to come," he said.

Gordon's draft legislation will help create a strong U.S.-based e-waste recycling industry, Cade said.

Representative Vernon Ehlers, a Michigan Republican, called on the U.S. government to relax its rules about donating computers to schools or nonprofits. It's currently difficult for members of Congress to donate old computers because of data retention rules, he said.

Ehlers also praise Cade and others for trying to come up with environmentally friendly e-waste programs. "I cannot in good conscience throw out a computer now," he said. "We have seven or eight of them in

the basement."

Will There Be a Free Upgrade to Windows 7?

Free Windows 7 is coming! Well, maybe.

Rest assured, the next iteration of Windows is on its way, but when and
how? The latest rumor making the rounds in the blogosphere is that
Microsoft will provide Vista users with a free upgrade to Windows 7 when
it becomes available.

Full availability of Windows 7 is still a mystery, but Microsoft is also
staying mum on the subject of a free upgrade.

"Microsoft often explores options with our partners to determine product
offerings," a spokesman said. "We are not announcing anything new at
this time."

The idea is not a completely foreign concept to Microsoft, however. A
document that Microsoft provided to PCMag earlier this month includes a
list of questions and answers for the press related to Windows 7. One of
those questions asks, "How about the rumors that customers who buy
Windows Vista after a certain date can get a free copy of Windows 7. Is
that true? Will there be certain SKUs that qualify?". It's obviously an
idea that's being kicked around in Redmond.

Adding fuel to the fire is a post from TechARP, a Malaysian blog. The
site posted what looks like a rollout timeline for Vista users that want
to upgrade to Windows 7. According to the document, users who buy Vista
machines between July 1, 2009 and January 31, 2010 will be eligible for
the free Windows 7 upgrade.

Microsoft To Open Own Retail Stores

Microsoft Corp. on Thursday announced plans to open its own stores despite
the economic downturn that has left many retailers struggling.

The company hired David Porter, a 25-year veteran of Wal-Mart Stores
Inc., as its corporate vice president of retail stores. Porter was head
of worldwide product distribution at DreamWorks Animation SKG Inc. since
2007.

Porter, who is set to start work on Tuesday, is charged with improving
the PC-buying experience. The company said his first task will be to set
the timing, locations and design of Microsoft-branded retail stores,
which will sell computers installed with Microsoft software as well as
other company products.

Microsoft has been working to revive the image of its ubiquitous Windows
operating system, starting with a $300 million advertising campaign that
began last fall. Vista, the most recent version of the software, was
widely criticized for being slow, requiring new and pricer hardware, and
not working with devices like printers and scanners. Vista has also been
the subject of a series of snarky television ads from Apple Inc.

At the same time it launched upbeat new TV ads last fall, some of which struck right back at Apple, Microsoft posted 144 of its own employees in electronics chain stores around the world to talk with shoppers about Windows.

The "Gurus" seemed to be Microsoft's answer to Apple's in-store "Genius Bar." With its newly announced retail store intentions, the Redmond-based software maker is taking yet another page from Apple's play book. Apple credits its stores, concentrated mostly in the U.S., for helping boost its profile and draw new customers.

But Microsoft's timing may be off. The U.S. recession has socked the retail sector, and purveyors of electronics have been hit hard. Circuit City Inc. filed for Chapter 11 bankruptcy protection in November and said in January it would liquidate its 567 U.S. stores, cutting more than 34,000 jobs. Best Buy Inc. laid off thousands of corporate employees in December and reported same-store sales - a key measure of retail health - sank 6.5 percent.

Even Apple, whose iPods, iMacs and iPhones draw brand-conscious customers willing to spend more for design, was hit in the holiday quarter by the recession as average sales per store dropped to $7 million from $8.5 million in 2007.

Microsoft had no comment on the plight of Apple and the big-box stores, but said its own retail stores can help shoppers make smarter decisions about spending money on technology.

The company had set up a concept store at its headquarters with displays of Windows computers, Xbox 360 consoles and games and other items. But the company said it's meant to help stores like Best Buy see new merchandising ideas in action, and is not a prototype for stand-alone retail stores.

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